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February 18, 2025

VIA ECF & EMAIL

Hon. Katherine Polk Failla
 Thurgood Marshall
 United States Courthouse
 40 Foley Square
 New York, NY 10007
 Email: Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: *Lamont C. Johnson v. Experian Information Solutions, Inc.*, No. 1:24-cv-9196-KPF (S.D.N.Y.)

Dear Judge Failla:

Pursuant to Rule 2.C(ii) of the Court's Individual Rules of Practice, Defendant Experian Information Solutions, Inc. ("Experian") submits this letter seeking a Rule 37.2 conference to resolve a dispute between the parties regarding the necessity of a confidentiality order. Experian seeks a confidentiality order, whereas Plaintiff declines to agree to any proposed confidentiality order. The parties conferred via telephone, and prior to that over email, but could not resolve the dispute. Pursuant to the Civil Case Management Plan and Scheduling Order (ECF No. 11), the parties' deadline to file a stipulated confidentiality agreement is today, February 18, 2025.

Experian seeks a confidentiality order so that it may produce certain documents to Plaintiff in discovery containing sensitive business information, and appropriately mark such documents "Confidential". Experian has communicated to Plaintiff's counsel that not all documents it will produce will be designated "Confidential". In the absence of a confidentiality order, Experian will be prejudiced, as it will not be able to produce documents which support its defenses in this case.

It is Experian's understanding that Plaintiff does not authorize his attorney to enter into any confidentiality agreement. The reasons for Plaintiff's objection are not clear.

Because Plaintiff declined to enter into *any* confidentiality agreement, the parties have not discussed specific terms. Experian respectfully proposes that the parties be bound by the Confidentiality Stipulation and Proposed Protective Order attached hereto as Exhibit A, which is

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the standard confidentiality order made available by Magistrate Judge Reznik in the Southern District of New York.¹ Experian is amenable to any reasonable changes Plaintiff may propose.

If Plaintiff declines to stipulate to a joint proposed confidentiality order, Experian anticipates moving for the proposed protective order attached hereto as Exhibit A, pursuant to Federal Rule of Civil Procedure 26(c).

Experian thanks the Court for its attention to this matter.

Respectfully submitted,

/s/ Christopher Zepf
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¹ Magistrate Judge Reznik's confidentiality order is available online at https://www.nysd.uscourts.gov/sites/default/files/practice_documents/VR%20Reznik%20Model%20Confidentiality%20Stipulation%20and%20Protective%20Order.pdf.

The Court is in receipt of Defendant Experian Information Solutions, Inc.'s request for a conference to resolve a dispute between the parties regarding the necessity of a confidentiality order. (Dkt. #12). The Court has not received a response from Plaintiff Lamont C. Johnson and therefore assumes this request is unopposed.

Defendant's request for a conference is hereby DENIED. However, that is because the Court agrees with Defendant that a reasonable confidentiality order is appropriate in this case. As such, the Court hereby ORDERS the parties to meet and confer regarding a confidentiality order. If the parties are unable to reach a resolution, Defendant is ORDERED to submit a letter to this Court on or before **March 7, 2025**, at which time the Court will order that the parties adhere to the confidentiality order proposed by Defendant. (See Dkt. #12-1).

In light of the above, the parties' deadline for submitting a stipulated confidentiality agreement is hereby ADJOURNED *nunc pro tunc* to **March 7, 2025**.

The Clerk of Court is directed to terminate the pending motion at docket entry 12.

Dated: February 27, 2025 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE